

SUISUN-SOLANO WATER AUTHORITY

WATER CONSERVATION REQUIREMENTS

The following Water Conservation Requirements were adopted by Resolution No. 09-11 of the Board of Directors of the Suisun-Solano Water Authority on June 16, 2009.

SECTION 1 AUTHORITY

1.1 Statement of Need

Because of the terrestrial and climatic conditions which prevail in the region where the Suisun-Solano Water Authority (SSWA) is located and because of the limited water supplies both regionally and to SSWA in particular, there are both moral and practical obligations to put our water resources to beneficial use to the maximum extent possible. Maximizing beneficial use includes elimination of waste or unreasonable use of water and conservation of all water resources available to SSWA, while protecting the interests of the people of SSWA and the public welfare.

1.2 Applicable Legislation

Applicable legislation for this Resolution includes but is not limited to the following:

California Water Code, Division 1, Chapter 3, Water Shortage Emergencies, Sections 350-359, inclusive (authorizes declaration and implementation of water shortage emergency conditions).

California Water Code, Division 1, Chapter 3.5, Water Conservation Programs, Section 375-377, inclusive (authorizes water conservation programs).

1.3 Applicability

The provisions of this Resolution shall apply to all water users served by SSWA water system.

1.4 Prohibition of Violation

No water user of SSWA water system shall knowingly make, cause, use, or permit the use of water from SSWA water system for residential, commercial, industrial, agricultural, institutional, or any other purpose in a manner contrary to any provision of this Resolution.

1.5 Limitation of Liability

Nothing in this Resolution shall be deemed or construed to create any liability for SSWA or its member agencies or the officers, employees and agents of either of them that are not otherwise imposed by law.

SECTION 2 DEFINITIONS

2.1 Wasting Water

Wasting water includes the following non-beneficial uses of water provided by SSWA:

- a. Watering grass, lawns, ground cover, shrubbery, open ground, crops or trees in a manner or to an extent which allows excess water to run off the area being watered or which results in overspray by spray irrigation facilities.
- b. Washing sidewalks, walkways, driveways, parking lots and all other hard surfaced areas by direct hosing, except as may be necessary to protect the public health and safety.
- c. Causing or permitting water to escape through breaks or leaks within the water user's plumbing or distribution system for any substantial period of time within which such a break or leak should reasonably have been discovered and corrected. Up to 24 hours is presumed to be a reasonable period after discovery of a break or leak to correct the problem.

2.2 Customer or Account Holder

A Customer or Account Holder is the person, corporation, agency, or other entity who owns a water meter connected to SSWA water system, and is responsible for making payments for service.

2.3 Water User or Consumer

A Water User or Consumer is any person, corporation, agency, or other entity who uses water from SSWA water system for any reason whatsoever regardless of whether the person, corporation, etc., is a Customer or Account Holder.

2.4 Flow Restrictor

A Flow Restrictor is any device which limits the pressure or flow rate at the water service connection.

2.5 Spray Irrigation

Spray irrigation is applying water to landscape by sprinklers or spray nozzles.

2.6 Water Shortage

A Water Shortage is any condition in which water supply is less than actual or projected water demand. Water Shortages can be short term such as those caused by failure of water system infrastructure, or long term, such as those caused by insufficient raw water supplies.

SECTION 3 GENERAL PROVISIONS

3.1 Definition of Water Conservation Conditions

3.1.1 Stage I - Minimum

The minimum conservation condition is in effect whenever Lake Berryessa storage as of November 1st of each year, is at or above 800,000 acre-feet. Minimum conditions will prevail when there is not a water shortage. Conservation practices (including those of the SSWA Urban Water Management Plan) will be required and encouraged during normal conditions in accordance with these Requirements.

3.1.2 Stage II - Drought

Drought conditions will be in effect when there is a water shortage and when an authorizing agency has declared drought conditions to be in effect or whenever Lake Berryessa storage is at or above 600,000 acre-feet and below 800,000 acre-feet. Any or all of the specific provisions in Section 4 of these Requirements for Drought conditions may be in effect.

3.1.3 Stage III - Severe

Severe conditions will be in effect whenever the specific provisions in Section 4 of these Requirements for Drought conditions are not sufficient to completely mitigate the water shortage, as determined by SSWA, or whenever Lake Berryessa storage is at or above 400,000 acre-feet and below 600,000 acre-feet. Any or all of the specific provisions in Section 4 of these Requirements for Severe conditions may be in effect.

3.1.4 Stage IV - Critical

Critical conditions will be in effect whenever the specific provisions in Section 4 of these Requirements for Drought conditions are not sufficient to completely mitigate the water shortage, as determined by SSWA, or whenever Lake Berryessa storage is at or above 200,000 acre-feet and below 400,000 acre-feet. Any or all of the specific provisions in Section 4 of this Resolution for Critical conditions may be in effect.

3.2 Goals

Following are general goals of the water conservation stages. The goals are intended to provide general guidelines, but are not intended to provide specific milestones for declaring Drought, Severe and Critical conditions. Specific milestones are not included in these Requirements in order to provide flexibility in declaring said conditions based on the specific nature of the shortage and the projected impacts of specific conservation measures in light of the time of year and the most current water use patterns.

3.2.1 Stage I Minimum Conditions

During Minimum conditions, the goal is to maximize beneficial use of water through specific provisions of these Requirements, public education, voluntary water conservation, and the Urban Water Management Plan. During Minimum conditions, the goal is to achieve a 10% reduction in per capita water consumption compared with normal water consumption (1987 levels of consumption).

3.2.2 Stage II Drought Conditions

During Drought conditions, the goal is to achieve a 25 percent reduction in water consumption compared with normal.

3.2.3 Stage III Severe Conditions

During Severe conditions, the goal is to achieve a 35 percent reduction in water consumption compared with normal.

3.2.4 Stage IV Critical Conditions

During Critical conditions, the goal is to achieve a 50 percent reduction in water consumption compared with normal.

3.3 Execution of Requirements

SSWA shall be responsible for execution of the provisions of these Requirements.

3.4 Enactment of Staged Water Conservation Conditions

3.4.1 Monitoring

- a. SSWA staff shall monitor water supply and demand and Lake Berryessa storage. Staff will recommend to the SSWA Executive Committee declaration of appropriate water conservation conditions and implementation of appropriate usage restrictions and water pricing changes.

- b. The SSWA Executive Committee will review staff recommendations and recommend implementation to the SSWA Board.

3.4.2 Authorization of Implementation

The SSWA Board of Directors shall have sole responsibility for determining whether a water shortage exists or is projected to exist and for determining the magnitude of such shortage. The Board will review recommendations by the SSWA Executive Committee and will authorize implementation of staged water conservation provisions.

3.4.3 Public Notification and Public Hearing

Following authorization of implementation, a public hearing shall be scheduled. The hearing shall be advertised in at least one newspaper at least seven days in advance of the hearing. The public shall be notified of 1) SSWA's intent to implement staged water conservation measures, and 2) the date, time and place of the public hearing. At the hearing, Customers shall have the opportunity to be heard to protest the needs to implement the restrictions and staged water rates.

3.4.4 Declaration of Drought, Severe and Critical Conditions

Following the public hearing, the SSWA may place in effect the staged water conservation provisions. Changes in staged water rates shall be enacted as provided in Section 4.2.4, Enactment of Changes in Water Pricing.

3.4.5 Increases in Drought, Severe and Critical Conservation Measures

In order to enact a more restrictive conservation level the procedures in Sections 3.4.1 through 3.4.4 shall be repeated.

3.4.6 Withdrawal of Drought, Severe and Critical Conservation Conditions

Drought, Severe, or Critical conditions will continue in effect until the SSWA Board has determined that the Water Shortage conditions warrant change to a less restrictive conservation level, based upon Lake Berryessa Storage. The Board shall review the Water Shortage conditions as soon as possible upon a change in said conditions, but not less frequently than annually on or about April 1.

3.5 Enforcement

The violation of each specific provision as set forth in Sections 4.3, 4.4, 4.5 and 4.6, and each separate violation thereof, shall be deemed a separate offense, and shall be enforced accordingly.

3.5.1 First Violation

For the first violation within the preceding twelve (12) calendar months, SSWA shall issue a written notice of the fact of such violation to the Account Holder.

3.5.2 Second Violation

For the second violation within the preceding twelve (12) calendar months, SSWA shall impose a surcharge against the Account Holder for the property where the violation occurred or is occurring in the amount of \$50.

3.5.3 Third Violation

For the third violation within the preceding twelve (12) calendar months, SSWA shall impose any or all of the following:

- a. A surcharge against the Account Holder for the property where the violation occurred or is occurring, in the amount of \$250.
- b. Installation of a Flow Restrictor in the water service to the property where the violation occurred or is occurring, at the Account Holder's cost, for a length of time to be determined by SSWA, with annual review by SSWA staff.

3.5.4 Fourth and Subsequent Violations

For a fourth and any subsequent violation within the preceding twelve (12) calendar months, SSWA shall install a Flow Restrictor in the water service to the property where the violation occurred or is occurring, at the Account Holder's cost, for a length of time to be determined by SSWA with annual review by SSWA staff.

3.5.5 Time Period for Accrued Violations

Accrued violations will be based on acts of non-compliance occurring within a consecutive twelve (12) month period. Where failure to comply is continuing and intentional, a separate and distinct violation occurs for each successive twenty-four hour period of such failure to comply.

3.5.6 Notice of Violation

For each violation, SSWA shall give notice as follows:

- a. Written notices of violation will be sent through the U.S. mail or delivered in person by a representative of SSWA to the address of the Account Holder as shown on current water billing records, or
- b. By affixing written notice in a conspicuous location on the property where the violation occurred or is occurring.
- c. Written notices of violation shall include the date, time, and location of the violation; a description of the violation; provisions of these Requirements violated; a statement of the surcharge; and right of appeal procedures.

3.5.7 Right of Appeal

Any Account Holder provided a notice of violation in accordance with the provisions of these Requirements shall have the right of appeal. A request for hearing must be made in writing and must be received by SSWA within ten (10) calendar days of the date of the notice of violation. All rights to appeal will be forfeited after ten calendar days of the date of notice of violation, and enforcement actions will be implemented. Upon receipt of request for hearing all applicable enforcement actions will be suspended until such hearing has been completed and a final determination made. The hearing will be before the SSWA Board of Directors within ten (10) calendar days after receipt of the written request for hearing.

3.5.8 Determination of Enforcement Action

Determination of enforcement actions will be at the discretion of SSWA. In determining the appropriate enforcement action for non-compliance, SSWA or designee shall consider whether the Account Holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of said violation. In addition, SSWA or designee shall exercise discretion in accordance with such guidelines as SSWA may adopt by Resolution.

3.5.9 Payment of Surcharges

Any surcharge imposed pursuant to subsections 3.5.2 and 3.5.3 of this section shall be added to the account of the Account Holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service.

3.5.10 Reimbursement of SSWA Expenses

If a Flow Restrictor is installed pursuant to Subsection 3.5.3 of this section, prior to restoration of normal water service, the Account Holder whose service is

affected shall be required to reimburse SSWA for the cost it has incurred and will incur in installing and removing the Flow Restrictor and in restoring normal water service.

3.5.11 Reimbursement from Tenants

Nothing in this Resolution shall limit or be construed to limit the right of an Account Holder to seek reimbursement of a surcharge from a tenant or other Consumer.

3.5.12 Prosecution for Violations

This Resolution constitutes a water conservation program within the meaning of Water Code Section 377.

3.6 Right of Inspection and Access to Meters

Any duly authorized representative of SSWA shall have the right to inspect existing and new construction for compliance with these Requirements and to access the Customer's water meter for inspection, for shutting off and turning on water service, and for installing or removing Flow Restrictors.

3.7 Place of Use

Water received from or through a meter may be used only on and for the property served by that meter.

3.8 Resale of Water

Resale of water supplied by SSWA is prohibited.

3.9 Use of Reclaimed Wastewater

Use of reclaimed wastewater is exempt from the provisions of these Requirements and is encouraged in place of potable water supplied by the SSWA water system where it is feasible and within State reclamation guidelines.

SECTION 4 SPECIFIC PROVISIONS

4.1 Urban Water Management Plan

The most current version of the adopted Urban Water Management Plan for water conservation is referenced as part of these Requirements, and shall be applicable under Stage I Minimum water conservation conditions.

4.2 Water Pricing

4.2.1 Definition of Rate Blocks

Water supplied by the SSWA water system is priced with an increasing block rate structure incorporating four blocks. Block 1 is 0 to 13 units per month (approximately 160 gallons per day), Block 2 is for 13 units per month to 32 units (approximately 375 gallons per day). Block 3 is 32 units to 48 units (600 gallons per day). Block 4 is over 48 units.

4.2.2 Water Prices

Under normal conditions, water prices shall be established and modified from time to time with the objectives of 1) balancing costs to SSWA with revenues collected from Customers, and 2) promoting beneficial use of the water.

4.2.3 Enactment of Changes in Water Pricing

- a. Changes in water pricing for staged water conservation conditions shall be made effective only by resolution of the SSWA Board of Directors.
- b. Water pricing shall be decreased when water conservation conditions are declared by the SSWA Board of Directors to be less restrictive. Temporary continuation of increased water prices may be approved by resolution of the Board of Directors if necessity is demonstrated, and the duration of the temporary continuation is specified.

4.3 Restrictions on Water Use during Stage I Minimum Water Conservation Conditions

4.3.1 Wasting Water

Wasting water is prohibited.

4.3.2 Plumbing Standards

- a. All new plumbing fixtures, whether installed as part of new construction or as replacements for existing fixtures, shall comply with the requirements of Health and Safety Code Section 17921.3.
- b. Multiple shower and lavatory installations within non-residential facilities shall be equipped with metering or self-closing valves except where necessary to protect the public health and safety.

- c. The flow limitation device in showerheads must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of the limits specified herein.
- d. Hot water pipes in all new construction shall be thermally insulated.

4.3.3 Landscape Irrigation

Watering of all turf areas, shrubs, and other vegetation should be done before noon and after 6:00 p.m. (daylight savings time only).

4.4 Additional Restrictions under Stage II Drought Water Conservation Conditions

In addition to minimum restrictions in Section 4.3, any or all of the following additional restrictions may be enacted under Drought conditions.

4.4.1 Outdoor Water Use Schedule

Regulations shall be established by SSWA, which limits outdoor water use activities to specified days and times of day. Allowed irrigation times may be rotated among various users throughout the water system service area to equalize demands on the water system.

4.4.2 Landscape Irrigation

Watering of all turf areas, trees, shrubs and other vegetation shall be done in accordance with the established outdoor water use schedule.

4.4.3 Non-Irrigation Outdoor Use

All non-irrigation outdoor water use shall be done in accordance with the established outdoor water use regulations. This shall include but not be limited to washing of automobiles, trucks, boats, buildings, equipment, and structures, and refilling pools or ornamental bodies of water.

4.4.4 Fountains

Only fountains which recycle at least 75% of their water may be operated, and if operated, a sign shall be posted stating that the water is recycled.

4.4.5 Fire Hydrants

Use of fire hydrants will be limited to fire fighting and other activities necessary for protection of public health and safety. See Section 4.4.6

4.4.6 Construction Water

Permits for construction water will only be granted if use of reclaimed wastewater or other sources of water is not feasible.

4.4.7 Restaurant Water Service

Water shall be served in restaurants only upon request.

4.5 Additional Restrictions under Stage III Severe Water Conservation Conditions

In addition to restrictions in Sections 4.3 and 4.4, any or all of the following additional restrictions may be enacted under Severe conditions.

4.5.1 Outdoor Water Use Schedule

Regulations shall be established by SSWA which limits outdoor water use activities to specified days and times of day. This will be a more restrictive schedule than under Drought conditions per Section 4.4.1.

4.5.2 Landscape Irrigation

- a. All Spray Irrigation and irrigating of turf shall be severely restricted.
- b. Watering of all trees, shrubs and other non-turf vegetation shall be done in accordance with the established outdoor water use schedule and only with a hand held hose, a hand held faucet-filled bucket of five gallons or less, or a drip irrigation system.

4.5.3 Non-Irrigation Outdoor Use

All non-irrigation outdoor water use shall be prohibited except as necessary to protect public health and safety. Prohibited uses shall include but not be limited to washing of automobiles, trucks, boats, buildings, equipment, and structures, and refilling of ornamental bodies of water, except by tank truck services from outside Solano County.

4.5.4 Fountains

Operation of fountains shall not be permitted.

4.5.5 Drought Notice

Drought notices approved by SSWA shall be posted in motels, hotels, and other commercial establishments offering lodgings.

4.5.6 New Service Connections

New service connections may be restricted.

4.5.7 Landscape Installation

Irrigation of landscaping in new development shall not be permitted, except for relandscaping of existing areas which results in a decrease in water consumption.

4.6 Additional Restrictions under Stage IV Critical Water Conservation Conditions

In addition to restrictions in Sections 4.3, 4.4 and 4.5, the following additional restrictions may be enacted under Critical conditions.

4.6.1 Outdoor Water Use Schedule

Regulations shall be established by SSWA, which limits outdoor water use. This will be a more restrictive schedule than under Severe conditions per Section 4.5.1.

4.6.2 Landscape Irrigation

All landscape irrigation shall be prohibited except with approved greywater use practices.

4.7 Exemptions and Application Procedure for Exemptions

Exemptions from the requirements of this Section 4 may be granted by SSWA to Customers.

- a. To apply for an exemption, the Customer shall submit a written statement to SSWA identifying present uses of the water and complete justification for being exempt from the provisions of this Section 4. The SSWA Board will act to either grant or deny exemptions or to request additional information within 30 days of receipt of the written statement.
- b. In granting the exemption, SSWA can require alternative water conservation measures to be employed by the Customer. The extent of exemptions shall be no more than necessary to alleviate the condition which justified granting of the exemption.

4.8 Situations Warranting Exemptions

Situations, which may be eligible for exemptions, include the following:

4.8.1 Medical Requirements

Exemptions to provisions in Section 4.3, 4.4, 4.5 and 4.6 may be granted for medical requirements.

4.8.2 Single Family Homes with Livestock

Single-family home customers who provide water for livestock may have an adjustment in their normal block 1 water use of up to 30 gallons per day per horse, cow or other large animal.

4.8.3 Protections of Public Health and Safety

Water use may be exempt from requirements of this Section 4 for the protection of public health and safety. Examples include:

Cleanup of flammable or dangerous materials

Washing of garbage trucks and vehicles to transport food and perishables

4.8.4 Severe Economic Hardship

Exemptions from the requirements of Sections 4.2, 4.4, 4.5, and 4.6 may be granted due to severe economic hardship including but not limited to the threat of insolvency. Determination of hardship will be made by the SSWA Board of Directors with the advice of the Suisun City Director of Finance.

4.8.5 Replacement Plumbing Fixtures in Existing Construction

The requirement in Section 4.3.2 for replacement plumbing fixtures in existing construction may be exempted if substantial replumbing would be necessary to accept the required fixtures.

4.8.6 Commercial Car Wash

During Minimum conservation and Drought conditions, vehicle washing may be done at any time on the immediate premises of a commercial car wash whose primary business is car washing. During Severe and Critical conditions, vehicle washing at a commercial car wash shall only be done if the car wash is equipped with the capability to complete a wash/rinse cycle with a net consumption of 10 gallons of water or less either through recycling or through low flow spray nozzles. During Severe and Critical conditions, all commercial car washes shall submit proof of such low water use capabilities to SSWA for approval.

4.8.7 Golf Courses and Nurseries

Golf courses, nurseries, and similar establishments, which rely on landscape vegetation as their primary source of business, may be granted an exemption from the requirements of Sections 4.4, 4.5, and 4.6. Exemptions will only be granted following submission of a water conservation plan which is acceptable to SSWA and which meets the goals for water conservation contained in 3.2.

SECTION 5 SEVERABILITY

If any provision of these Requirements or the application of any such provision to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these Requirements. It is intended that each portion of these Requirements would have been adopted irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unenforceable or invalid.